

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-cv-0101

\$27,671.50, MORE OR LESS,  
IN UNITED STATES CURRENCY,

Defendant.

(Katherine Anne Hoover, and  
John F. Tomasic;  
No pending federal criminal charges)

UNITED STATES MOTION FOR A HEARING

Comes now the United States of America, by counsel, Betty A. Pullin, Assistant United States Attorney for the Southern District of West Virginia, and hereby moves this court for an order scheduling a hearing regarding Hoover's and Tomasic's "Verified Motion to Dismiss In Rem Action for Failure to State a Cause of Action" (Docket #8) and "Motion to Request that Judge Copenhaver Rule on a Perjury Charge Against: Mr. James Lafferty and Ms. Betty Pullin" (Docket #15). The United States requests that both Hoover and Tomasic be ordered to personally appear at the hearing. In support of this motion, the United States provides the following:

1. These two motions contain unsubstantiated allegations against government counsel and FBI Special Agent James Lafferty that need to be addressed as soon as practicable.

2. In addition, on or about March 15, 2011, Tomasic, presumably with Hoover's assistance, filed an ethics complaint against the undersigned counsel with the Office of Disciplinary Counsel of the West Virginia State Bar, based on the same allegations set forth in the referenced motions. A copy of the State Bar complaint is attached hereto and incorporated herein as "Govt's Exhibit A."

3. By letter dated March 22, 2011, the Office of Disciplinary Counsel notified Tomasic of its decision not to investigate his claim since his allegations "...involve factual and legal questions best addressed in appropriate proceedings before the court" and should the court make any findings of misconduct, etc., the court may forward those findings to the Office of Disciplinary Counsel for consideration. A copy of this letter is attached hereto and incorporated herein as "Govt's Exhibit B."

WHEREFORE, the United States prays this court schedule a hearing on Hoover's and Tomasic's motions and order them to personally appear at the hearing.

Respectfully submitted,

UNITED STATES OF AMERICA  
By Counsel

R. BOOTH GOODWIN II  
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that the "UNITED STATES MOTION FOR A HEARING"  
was electronically filed with the Court and served on the  
following, this 1<sup>st</sup> day of April, 2011:

Katherine Anne Hoover, M.D. and  
John F. Tomasic  
c/o Norman Gay, M.D.  
247 West Bay Street  
Nassau, N.P. Bahamas  
(via Federal Express International)

By: s/Betty A. Pullin  
Betty A. Pullin, WV Bar Number: 5590  
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